

ORDINANCE NO. 98- 26

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE MINORITY/WOMEN BUSINESS ENTERPRISE SECTION OF THE PALM BEACH COUNTY CODE, CHAPTER 2, ARTICLE III, DIVISION 2, PART B; PROVIDING FOR RANKING OF RESPONSIVE BIDDERS; PROVIDING FOR BID PREFERENCE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the M/WBE Advisory Board has made a recommendation to amend the ranking of responsive bidders provision of the M/WBE section of the Code by increasing the amount a bid, which is responsive to M/WBE requirements, can exceed a bid, which is not responsive to M/WBE requirements, for bids in excess of \$1 million; and

WHEREAS, the need exists to amend the bid preference provision of the M/WBE section of the Code to clarify that the \$500,000 limit on the utilization of the bid preference system is to be applied on a per annum basis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Ranking of responsive bidders. Section 2-80.3 of the Palm Beach County Code is amended to read as follows:

When evaluating competitive bids/quotes for award in which the apparent low bidder is determined to be nonresponsive to M/WBE requirements, the contract shall be awarded to the low bidder responsive to M/WBE requirements as long as the bid does not exceed the low bid amount by ten percent.

In cases where the lowest non-responsive bid exceeds \$1,000,000 but is less than \$10,000,000, the contract shall be awarded to the lowest bidder responsive to the M/WBE requirements,

1 provided that such bid does not exceed the low bid otherwise
2 responsive to the bid requirements by more than \$100,000 plus one
3 percent of the total bid in excess of \$1,000,000.

4 In cases where the lowest non-responsive bid exceeds
5 \$10,000,000, the contract shall be awarded to the lowest bidder
6 responsive to the M/WBE requirements, provided that such bid does
7 not exceed the low bid otherwise responsive to the bid requirements
8 by more than \$100,000 plus one percent of the total bid in excess
9 of \$1,000,000 up to \$10,000,000 and plus two percent of the total
10 bid in excess of \$10,000,000.

11 This section applies only when price is the determining
12 factor.

13 Section 2. Bid preference system. Section 2-80.8 of the
14 Palm Beach Code is amended to read as follows:

15 A bid preference system is hereby established for
16 purchases estimated to be less than five hundred thousand dollars
17 (\$500,000) per annum. This bid preference system may be utilized by
18 a county department or by the Goal Setting Committee when a review
19 of the participation reports indicates that utilization of the
20 system will assist the department in meeting its annual goals.
21 This bid preference system will not be used for County construction
22 projects. When appropriate, this system may be utilized on a
23 gender-or ethnic-specific basis allowing for a bid preference for
24 the bidder with the highest participation among a particular gender
25 or ethnic category.

26 Award will be made to the bidder who includes the highest
27 M/WBE utilization as long as that bid does not exceed the low bid
28 by ten (10) percent.

29 When appropriate, this system may also be utilized on

1 revenue generating contracts awarded on a price alone basis. Award
2 will be made to the bidder who includes the highest M/WBE
3 utilization as long as that bid is not lower than the high bid by
4 ten (10) percent.

5 Section 3. Repeal of Laws in Conflict. All local laws
6 and ordinances applying to the unincorporated area of Palm Beach
7 County in conflict with any provisions of this ordinance are hereby
8 repealed.

9 Section 4. Severability. If any section, paragraph,
10 sentence, clause, phrase or word of this Ordinance is for any
11 reason held by the Court to be unconstitutional, inoperative or
12 void, such holding shall not affect the remainder of this
13 Ordinance.

14 Section 5. Inclusion in the Code of Laws and Ordinances.
15 The provisions of this Ordinance shall become and be made a part of
16 the Code of Laws and Ordinances of Palm Beach County, Florida. The
17 sections of the Ordinance may be renumbered or relettered to
18 accomplish such, and the word "ordinance" may be changed to
19 "section," "article," or any other appropriate word.

20 Section 6. Effective Date. The provisions of this
21 Ordinance shall become effective upon filing with the Department of
22 State.

23 (REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.)

1 **APPROVED AND ADOPTED** by the Board of County Commissioners
2 of Palm Beach County, Florida, on the 21 day of July, 1998.

3 DOROTHY H. WILKEN, CLERK PALM BEACH COUNTY, FLORIDA, BY ITS
4 Board of County Commissioners BOARD OF COUNTY COMMISSIONERS

5 By: Mickie Ward Deputy Clerk
6 By: Maudie Ford Lee Vice-Chair

7 APPROVED AS TO FORM AND
8 ~~LEGAL SUFFICIENCY~~

9 By: [Signature]
10 Assistant County Attorney

11 **EFFECTIVE DATE:** Filed with the Department of State on
12 the 28th day of July, 1998.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 7/21/98
DATED at West Palm Beach, FL on 7/17/98.
DOROTHY H. WILKEN, Clerk
By: [Signature] D.C.

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (<u>Palm Beach</u>)	COUNTY ORDINANCE # (<u>98-26</u>) <small>(e.g., 93 - 001)</small>
PRIMARY KEYFIELD DESCRIPTOR: (<u>Purchasing</u>)	
SECONDARY KEYFIELD DESCRIPTOR: (<u>Civil Rights / Human Relations</u>)	
OTHER KEYFIELD DESCRIPTOR: ()	
ORDINANCE DESCRIPTION: (<u>minority/women business</u>) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: (List below the ordinances that are amended by the this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: (<u>95-5</u>); AMENDMENT # 2: (<u>93-28</u>).	
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: (); REPEAL # 3: (); REPEAL # 2: (); REPEAL # 4: ();	
(Others repealed: list all that apply): _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: ()
KEYFIELD 1 CODE: ()	KEYFIELD 2 CODE: ()
KEYFIELD 3 CODE: ()	<small>Rev. 8/29/93</small>

ORDINANCE NO. 98- 26

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE MINORITY/WOMEN BUSINESS ENTERPRISE SECTION OF THE PALM BEACH COUNTY CODE, CHAPTER 2, ARTICLE III, DIVISION 2, PART B; PROVIDING FOR RANKING OF RESPONSIVE BIDDERS; PROVIDING FOR BID PREFERENCE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the M/WBE Advisory Board has made a recommendation to amend the ranking of responsive bidders provision of the M/WBE section of the Code by increasing the amount a bid, which is responsive to M/WBE requirements, can exceed a bid, which is not responsive to M/WBE requirements, for bids in excess of \$1 million; and

WHEREAS, the need exists to amend the bid preference provision of the M/WBE section of the Code to clarify that the \$500,000 limit on the utilization of the bid preference system is to be applied on a per annum basis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Ranking of responsive bidders. Section 2-80.3 of the Palm Beach County Code is amended to read as follows:

When evaluating competitive bids/quotes for award in which the apparent low bidder is determined to be nonresponsive to M/WBE requirements, the contract shall be awarded to the low bidder responsive to M/WBE requirements as long as the bid does not exceed the low bid amount by ten percent.

In cases where the lowest non-responsive bid exceeds \$1,000,000 but is less than \$10,000,000, the contract shall be awarded to the lowest bidder responsive to the M/WBE requirements,

1 provided that such bid does not exceed the low bid otherwise
2 responsive to the bid requirements by more than \$100,000 plus one
3 percent of the total bid in excess of \$1,000,000.

4 In cases where the lowest non-responsive bid exceeds
5 \$10,000,000, the contract shall be awarded to the lowest bidder
6 responsive to the M/WBE requirements, provided that such bid does
7 not exceed the low bid otherwise responsive to the bid requirements
8 by more than \$100,000 plus one percent of the total bid in excess
9 of \$1,000,000 up to \$10,000,000 and plus two percent of the total
10 bid in excess of \$10,000,000.

11 This section applies only when price is the determining
12 factor.

13 Section 2. Bid preference system. Section 2-80.8 of the
14 Palm Beach Code is amended to read as follows:

15 A bid preference system is hereby established for
16 purchases estimated to be less than five hundred thousand dollars
17 (\$500,000) per annum. This bid preference system may be utilized by
18 a county department or by the Goal Setting Committee when a review
19 of the participation reports indicates that utilization of the
20 system will assist the department in meeting its annual goals.
21 This bid preference system will not be used for County construction
22 projects. When appropriate, this system may be utilized on a
23 gender-or ethnic-specific basis allowing for a bid preference for
24 the bidder with the highest participation among a particular gender
25 or ethnic category.

26 Award will be made to the bidder who includes the highest
27 M/WBE utilization as long as that bid does not exceed the low bid
28 by ten (10) percent.

29 When appropriate, this system may also be utilized on

1 revenue generating contracts awarded on a price alone basis. Award
2 will be made to the bidder who includes the highest M/WBE
3 utilization as long as that bid is not lower than the high bid by
4 ten (10) percent.

5 Section 3. Repeal of Laws in Conflict. All local laws
6 and ordinances applying to the unincorporated area of Palm Beach
7 County in conflict with any provisions of this ordinance are hereby
8 repealed.

9 Section 4. Severability. If any section, paragraph,
10 sentence, clause, phrase or word of this Ordinance is for any
11 reason held by the Court to be unconstitutional, inoperative or
12 void, such holding shall not affect the remainder of this
13 Ordinance.

14 Section 5. Inclusion in the Code of Laws and Ordinances.
15 The provisions of this Ordinance shall become and be made a part of
16 the Code of Laws and Ordinances of Palm Beach County, Florida. The
17 sections of the Ordinance may be renumbered or relettered to
18 accomplish such, and the word "ordinance" may be changed to
19 "section," "article," or any other appropriate word.

20 Section 6. Effective Date. The provisions of this
21 Ordinance shall become effective upon filing with the Department of
22 State.

23 (REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.)

1 **APPROVED AND ADOPTED** by the Board of County Commissioners
2 of Palm Beach County, Florida, on the 21 day of July, 1998.

3 DOROTHY H. WILKEN, CLERK PALM BEACH COUNTY, FLORIDA, BY ITS
4 Board of County Commissioners BOARD OF COUNTY COMMISSIONERS

5 By: Mickie Ward Deputy Clerk By: Manda Ford Lee Vice-Chair
6 Chairman

7 APPROVED AS TO FORM AND
8 ~~LEGAL SUFFICIENCY~~

9 By: [Signature]
10 Assistant County Attorney

11 **EFFECTIVE DATE:** Filed with the Department of State on
12 the 28th day of July, 1998.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 7/21/98
DATED at West Palm Beach, FL on 8/17/98.
DOROTHY H. WILKEN, Clerk?
By [Signature] D.C.

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (<u>Palm Beach</u>)	COUNTY ORDINANCE # (<u>98-26</u>) <small>(e.g., 83 - 001)</small>
PRIMARY KEYFIELD DESCRIPTOR: (<u>Purchasing</u>)	
SECONDARY KEYFIELD DESCRIPTOR: (<u>Civil Rights / Human Relations</u>)	
OTHER KEYFIELD DESCRIPTOR: ()	
ORDINANCE DESCRIPTION: (<u>minority women business</u>) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: (List below the ordinances that are amended by the this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: (<u>95-5</u>); AMENDMENT # 2: (<u>93-28</u>).	
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: (); REPEAL # 3: (); REPEAL # 2: (); REPEAL # 4: ();	
(Others repealed: list all that apply): _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: ()
KEYFIELD 1 CODE: ()	KEYFIELD 2 CODE: ()
KEYFIELD 3 CODE: ()	<small>Rev. 8/29/93</small>